

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH CURRY, RICARDO MAZZITELLI,
JACQUELINE BROWN PILGRIM, on behalf of
themselves and others similarly situated,

Plaintiffs,

-against-

P&G AUDITORS AND CONSULTANTS, LLC; GRC
SOLUTIONS, LLC; PGX, LLC; AND APPLE
BANCORP, INC. d/b/a APPLE BANK FOR SAVINGS,

Defendants.

Case No. 20-cv-06985 (LTS) (SLC)

**AFFIDAVIT OF DEAN G. YUZEK
IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT**

STATE OF NEW YORK)
) ss. :
COUNTY OF NEW YORK)

Dean G. Yuzek, being duly sworn, deposes and says:

1. I am a member of the firm Ingram Yuzek Gainen Carroll & Bertolotti, LLP, attorneys for Defendant Apple Bank for Savings, sued herein as Apple Bancorp, Inc. d/b/a Apple Bank for Savings (“Apple Bank” or the “Bank”). I submit this affidavit in support of Apple Bank’s motion for summary judgment.

2. Attached as Exhibit A is a true and correct copy of the Federal Deposit Insurance Corporation Consent Order dated December 16, 2015.

3. Attached as Exhibit B is a true and correct copy of the New York State Department of Financial Services Memorandum of Understanding dated January 29, 2016.

4. Attached as Exhibit C is a true and correct copy of the Master Services Agreement between GRC Solutions, LLC (“GRC”) and Apple Bank dated March 27, 2018.

5. Attached as Exhibit D is a true and correct copy of GRC's Proposal to Apple Bank, executed by the Bank, to perform a BSA/AML Transaction Look Back Review, dated November 24, 2015.

6. Attached as Exhibit E is a true and correct copy of GRC's Proposal to Apple Bank, executed by the Bank, for BSA/AML/OFAC Risk Assessments, dated December 4, 2015.

7. Attached as Exhibit F is a true and correct copy of GRC's Proposal to Apple Bank, executed by the Bank, for BSA/AML Model Validation, dated November 13, 2015.

8. Attached as Exhibit G is a true and correct copy of GRC's Proposal to Apple Bank, executed by the Bank, to perform a BSA/AML Transaction Look Back Review, dated March 8, 2016.

9. Attached as Exhibit H is a true and correct copy of a letter of understanding, dated April 6, 2018, between GRC and Apple Bank for services to be provided by GRC regarding Customer Risk Model Validation.

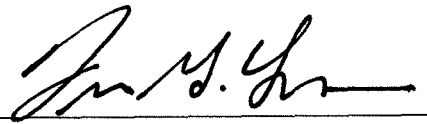
10. Attached as Exhibit I is a true and correct copy of email correspondence between GRC and Apple Bank relating to requests by GRC for its specified employees to have access to Bank systems to undertake work GRC was engaged by the Bank to perform.

11. Attached as Exhibit J is a true and correct copy of email correspondence between GRC and Apple Bank whereby GRC advises the Bank regarding which GRC employees have been "off-boarded" from the "GRC project" for which GRC was engaged by the Bank, with instructions from GRC to Apple Bank that the access of such GRC employees to Bank systems should be deactivated.

12. Attached as Exhibit K is a true and correct copy of Apple Bank's Acceptable Use Policy signed by Plaintiff Ricardo Mazzitelli as an employee of GRC.


13. Attached as Exhibit L is a true and correct copy of email correspondence between GRC and Apple Bank, advising the Bank that GRC has “a new investigator starting” and attaching a chart of GRC’s Project Team for work GRC was engaged to undertake for the Bank.

14. The foregoing Exhibits are referred to in Apple Bank’s moving Memorandum of Law in support of the Bank’s Motion for Summary Judgment.



DEAN G. YUZEK

Sworn to before me on this
3rd day of December 2020



Notary Public

MAUREEN McCABE
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01MC4636104
QUALIFIED IN KINGS COUNTY
COMMISSION EXPIRES DEC. 31, 20 22

MAUREEN McCABE
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01MC4636104
QUALIFIED IN KINGS COUNTY
COMMISSION EXPIRES DEC. 31, 20 22